

Application No. 10/697,681

REMARKS

The above-identified Patent Application has been reviewed in light of the Examiner's Action dated June 23, 2005. No claims have been amended by this response. Accordingly, claims 1-7 and 9-21 are now pending. As set forth herein, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Initially, Applicant would like to thank the Examiner for the courtesies extended during the telephone conference held between the Examiner and the undersigned on July 6, 2005. During that telephone conference, aspects of the cited references with respect to elements of the pending claims were discussed. In particular, the undersigned presented argument that the primary reference cited for disclosing readerboard panel elements having complementary semiotic elements formed thereon requires that adjacent panel elements overlap one another to prevent light leaks between the panels. Accordingly, that reference teaches away from those pending claims that specify that first and second readerboard panel elements do not overlap one another. In addition, the undersigned presented argument that the pending claims are in condition for allowance because they specify either that the panel elements do not include any protrusions for engaging track channels of a readerboard or because they have top and bottom edges that are held in track channels. It was also argued that, because the references cited in the Office Action with respect to complementary semiotic elements require panels having protrusions, and because the reference cited for disclosing a panel without protrusions that can be held in the tracks of a readerboard does not teach, suggest or disclose a number of panel elements having complementary semiotic elements, the pending claims were not obvious over the cited references. The Examiner agreed to further consider these arguments as presented in this written response, however no agreement regarding allowable subject matter was reached during the telephone conference.

Claims 1-14 and 17-19 stand rejected under 35 U.S.C. §103 as being obvious over U.S. Patent No. 5,832,643 to Delaquila, et al. ("Delaquila") in view of U.S. Patent No. 6,216,375 to Griffin, and Claims 15-16 and 20-21 stand rejected under 35 U.S.C. §103 as being obvious over Delaquila in view of Griffin and further in view of U.S. Patent No. 4,505,061 to Neuburger, et al.

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("Neuburger"). In order to establish a prima facie case of obviousness under §103, there must be some suggestion, or motivation to modify the reference or to combine the reference teachings, there must be a reasonable expectation of success, and the prior reference or references must teach or suggest all of the claim limitations (MPEP, §2143). As set forth herein, the rejections of the claims as obvious should be reconsidered and withdrawn.

The Delaquila reference is generally directed to a display sign. The display sign includes a back panel having horizontally-aligned tracks and a plurality of front panels, each having a second plurality of horizontally-aligned tracks that are adapted to engage the tracks on the back panel (Delaquila, Abstract). The amount that the second plurality of tracks extends outwardly from the aft surface of a front panel is the same for all tracks on a given panel, with the depth of the tracks on adjacent panels being different (Delaquila, Abstract). This difference in the depth of the support tracks on adjacent front panels allows the front panels to be positioned in an edge-overlapping manner on the back panel where the overlapping portions of an adjacent pair of front panels prevent light leaks between the panels. (Delaquila, Abstract). Accordingly, Delaquila requires protrusions on the back of front panels, so that adjacent front panels can be held at different distances from the back panel, permitting the adjacent panels to overlap one another.

The importance that Delaquila places on this structure to allow for overlap of panels in order to eliminate light leaks between panels, is repeatedly emphasized throughout that reference. For example, in the background of the invention, Delaquila states that "light leaks between adjacent panels are eliminated by attaching the panels to the parallel tracks disposed on a translucent back panel in a manner which permits overlapping of the edges of adjacent panels to provide a high contrast display image." (Delaquila, col. 1, ll. 58-62) Additionally, Delaquila states that it is an object of invention to provide a sign having "changeable panels arranged in a side-by-side, edge-overlapping manner wherein light leaks between adjacent panels are eliminated." (Delaquila, col. 2, ll. 1-3) Furthermore, Delaquila makes clear that it is the tracks or protrusions on the aft surfaces of the front panels that permits the edge-overlapping arrangement of the panels:

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Because of the differences in depth of the sets of tracks in each of the three front panels, the front panels may be arranged in an edge-overlapping matter . . . thus, because the tracks on the aft surfaces of the first and third front panels 12,16 extend outwardly from these panels a distance Y which is greater than the distance X which the tracks on the second front panel extend, the lateral edges of the first and third panels are disposed in front of the lateral edges of the second front panel. This overlapping of the edges of adjacent panels prevents light leaks between the panels to provide a high contrast display. (Delaquila, col. 4, ll. 28-39).

Because of the emphasis and importance that Delaquila places on panels having protrusions and overlapping adjacent panels, Delaquila teaches away from the use of abutting panels and panels that do not feature protrusions.

The Office Action cites to the Griffin reference as teaching a panel element without a protrusion or connection on the back. Applicants agree that Griffin includes an illustration of a conventional span-over readerboard panel. (Griffin, Figures 38 and 39.) However, Griffin does not teach, suggest or disclose first and second panel elements that respectively contain first and second semiotic elements that comprise a portion of the same graphic image or textual character. Furthermore, as noted above, Griffin cannot be combined with Delaquila, because Delaquila teaches away from the use of panel elements without protrusions.

The Neuburger reference is cited by the Office Action to show a graphic display comprising a plurality of panel elements with a protective layer or a translucent substrate, or that do not overlap. The Neuburger reference is generally directed to a graphic display that is "especially suitable for a large system, such as a utility distribution network diagram, a map, or the like, which is subject to frequent revision." (Neuburger, Abstract.) The complete display is made up of a multiplicity of small display members arranged in abutting relationship, which can be revised and replaced individually as necessary to keep the entire display up to date, without the necessity of replacing the complete display." (Neuburger, Abstract.) "Each display member has attached to its back at least one mounting unit which is removably receivable in one of the apertures in the frame." (Neuburger, Abstract.) Accordingly, like the Delaquila reference, Neuburger requires panels that have protrusions used to interconnect those panels to the frame.

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As a result, adjacent panels or display members can together present large, complex displays that can be updated by changing individual panels, rather than the entire display. (Neuburger, Column 2, Lines 50-55.) Neuburger does not teach, suggest or disclose using panels that do not feature protrusions. Furthermore, combining the panels of Neuburger with a reference showing panels that do not have protrusions would defeat the purpose of Neuburger, because Neuburger is concerned with large, complex displays, and such displays would be impeded if panels without protrusions, which therefore must be held in tracks by the edges of the panels, were substituted. Furthermore, the use of panels without protrusions would result in less precise positioning of the panels than is available using the protrusions disclosed by Neuburger, and therefore the purpose of Neuburger, to display large, complex systems, would not be advanced by the use of panels held by tracks, rather than panels with protrusions that are received by mating holes provided in a frame, as described by that reference. In addition, it is noted that the system described by Neuburger is not compatible with a conventional readerboard. Furthermore, because of Neuburger's emphasis on panels that can be precisely oriented by snapping associated protrusions into receiving structures in the described frame, Neuburger does not permit and therefore teaches away from modifications to permit use of its panels in a conventional readerboard.

Claim 1 is generally directed to a readerboard system. The system includes first and second panel elements that combine to form a substantially continuous message when the panel elements are placed adjacent to one another in a conventional readerboard. More particularly, the first panel element contains a first semiotic element that comprises at least one of a first portion of a graphic image and a first partial portion of a textual character, and the second panel includes a second semiotic element that comprises at least one of a second portion of the graphic image and a second partial portion of the textual character on the first panel. Accordingly, a portion of a graphic image and/or a letter is contained on the first panel, and another portion of the graphic image and/or letter is displayed on the second panel. Claim 1 further recites that the first and second panel elements each have top and bottom edges capable of being engaged by track channels provided as part of the readerboard, and that the panel elements do not include any

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protrusions for engaging the track channels of the readerboard. As described in detail above, the cited references do not teach, suggest or disclose panel elements that both combine with one another to form a graphic image or textual character, that have top and bottom edges, capable of being engaged by track channels of a readerboard, and that do not include protrusions for engaging the track channels of the readerboard. Furthermore, because references cited in connection with the distribution of semiotic elements across multiple panels require protrusions on a back of the panel elements, such references cannot be combined with references that discuss conventional readerboard panels containing a complete graphic image or character. Accordingly, for at least these reasons, Claim 1 and dependent claims 1-6 and 20 are not obvious in view of the cited references, and the rejections of these claims should be reconsidered and withdrawn.

Applicant notes that the claims dependent from Claim 1 recite additional patentable subject matter. For example, Claim 4 recites that each of the panel elements has a height of one track. It is respectfully submitted that references cited do not make such a disclosure. As a further example, Claim 20 recites that the first and second panel elements do not overlap one another. As set forth above, the Delaquila reference requires that the panels overlap in order to prevent light leaks, and the Neuburger reference requires the use of a particular type of frame to hold the panels. Accordingly, the rejection of Claim 20 should be reconsidered and withdrawn for at least this additional reason.

Claim 7 is generally directed to a method for advertising. The method includes distributing a message over a plurality of panel elements that each have a top edge and a bottom edge. First and second of the panel elements include first and second semiotic elements that comprise at least one of a portion of a graphic image and a partial portion of a textual character. The method additionally includes placing the first and second panel elements in a readerboard in a first relationship to one another, such that the message is displayed. Additionally, the first and second panel elements are placed in the readerboard such that the panel elements do not overlap one another, and such that a top edge of each of the plurality of panel elements is held in a channel of a track of the readerboard, and such that a bottom edge of each of the plurality of panel elements is held in a channel of another track of the readerboard. The references cited in

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the Office Action do not teach, suggest or describe distributing a message across a number of panel elements using panel elements that are placed in track channels of a readerboard such that a message is displayed. Furthermore, there is no teaching or suggestion to modify the references to obtain the claimed invention, because the various references teach against such modifications. Accordingly, the rejections of Claim 7 and dependent Claims 8-11 should be reconsidered and withdrawn.

Applicants note that at least Claim 11 recites additional patentable subject matter. In particular, Claim 11, which depends from Claim 7, recites that the panel elements have a height corresponding to one track height of the readerboard. References cited in the Office Action do not make such disclosure, and accordingly the rejection of Claim 11 should be reconsidered and withdrawn for at least this additional reason.

Claim 12 is generally directed to a readerboard system. The system includes a readerboard with a plurality of tracks that each include at least one channel. Claim 12 further recites a substrate that is sized to span an integer number of readerboard rows. A graphic image is interconnected to the substrate that spans more than one of the readerboard rows. Furthermore, the substrate and the interconnected graphic image comprise a plurality of panel elements that each has a top edge held within a track channel and a bottom edge held within another track channel. The references cited in the Office Action do not teach, suggest or disclose the readerboard as recited by Claim 12. For example, the cited references do not teach, suggest or disclose a substrate interconnected to a graphic image that spans an integer number of readerboard rows and in which each of the plurality of panel elements has top and bottom edges held in track channels. Instead, the cited references relate to panel elements displaying a message that are interconnected to a readerboard by separate protrusions, that do not have a height equal to an integer number of readerboard rows and that require overlapping panels (Delaquila); that do not feature a graphic image displayed across a plurality of panel elements (Griffin); or that discuss panels with protrusions that are not interconnected to a readerboard (Neuburger). Accordingly, for at least these reasons, the rejections of Claim 12 and dependent Claims 13-19 and 21 as obvious, should be reconsidered and withdrawn.

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Applicant additionally notes that Claim 21, which depends from Claim 12, recites that the plurality of panel elements has complementary semiotic elements, and that the first and second panel elements do not overlap one another. Because the cited references do not teach, suggest or disclose a number of panel elements held in a readerboard by the edges of those panel elements and in which the panel elements do not overlap, the rejection of Claim 21 should be reconsidered and withdrawn for at least this additional reason.

The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

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